

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 20564 of 1993

Between:

G.Rajaiah, S/o. sri Bhoomaiah
R/o. Kondapuram, Medak Dist.

..... PETITIONER

AND

- 1 The Management, The Biological evans Ltd.,
Hyderabad.
- 2 The Presiding Officer, Labour Court,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, and more particularly one in the nature of writ of Certiorari calling for the records relating to the Award passed in I.D.No.604 /1988 dt.21.6.1993 published in G.O.Ms.No.1592, Women development, child Welfare and Labour(Lab.I) department dt.5.8.1993 and quash the same; and further direct the 1st respondent to reinstate the petitioner as Wiremen with all consequential benefits, arrears of Wages, etc.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.1: MR.P.NAGESWAR SREE

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following :

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ORAL ORDER

This writ petition is directed against the award passed by the Labour Court-I, Hyderabad in I.D.No.604 of 1988 dated 21-06-1993, wherein the claim petition under Section 2A(2) of the Industrial Disputes Act,1947(for short “ the Act”) filed by the petitioner-workman was rejected.

The case of the petitioner is that on 27-08-1983 he was appointed as wiremen by the respondent-management on temporary basis for a period of one year on a consolidated salary of Rs.600/- per month and considering his work, his services were extended till 26-12-1984. Further, it is the case of the petitioner that he was placed under suspension on 15-12-1984 on the ground of misconduct and enquiry was ordered. In the mean while, pending enquiry, the extension of the contract period was also expired. Therefore, the respondent-management felt that there was no necessity to conduct any enquiry into the matter. The complaint of the petitioner before the Labour Court is that he worked more than 240 days preceding the date of his termination from service and, therefore, his services could not have been terminated without following the procedure prescribed under Section 25-F of the Act.

The respondent-management filed a detailed counter, *inter alia*, stating that the appointment of the petitioner was made only on temporary and contractual basis and, therefore, the question of terminating his services after expiry of the date of contract i.e., 26-12-1984 does not arise.

Before the Labour Court, the petitioner-workman himself was examined as DW.1 and got marked Exs.W-1 to W-7 and on behalf of the respondent-management MW.1 was examined and Exs.M-1 to M-9 were marked. On considering the facts and circumstances, the labour Court came to a conclusion that the termination of the services of the petitioner is not illegal and invalid.

Heard the learned counsel on both sides.

It is an admitted fact that the petitioner was appointed purely on contract basis initially for one year and thereafter his services were extended for 3 months as per the terms of the contract. In the meanwhile, he was kept under suspension since he involved in misconduct and thereafter, the period of contract also lapsed even before the completion of enquiry. Therefore, the findings of the labour Court that the petitioner is not entitled to any relief as prayed for cannot be said to be either illegal or arbitrary. The award passed by the labour Court does not require any interference by this Court under Article 226 of Constitution of India.

Accordingly, the writ petition is devoid of merits and is dismissed. No order as to costs.

C.V.RAMULU,J

28th JANUARY 2005

*TSNR

TO

1. The Management, The BiologicalEvans Ltd., Hyderabad.
2. The Presiding Officer, Labour Court,
Hyderabad.
3. Two C.D.Copies.
4. Two CCS to GP FOR LABOUR, HIGH COURT OF A.P. HYDERABAD(OUT)

